

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
Charlotte Division**

In re:

BK Racing, LLC,

Debtor.

Case Number: 18-30241

Chapter 11

**TRUSTEE'S FIRST OMNIBUS REPORT OF CLAIMS, OBJECTIONS TO CLAIMS
AND RECOMMENDATIONS REGARDING CLAIMS
FILED OR SCHEDULED AS EMPLOYEE WAGE CLAIMS**

Matthew W. Smith, the duly appointed trustee in the above-referenced bankruptcy case (the "Trustee"), through counsel, and pursuant to 11 U.S.C. § 502 and Fed. R. Bankr. P. 3007, hereby files this report of claims, objection to claims, and recommendations regarding employee wage claims either filed or scheduled as employee wage claims in the Debtor's case (the "Objection"). This **Objection applies only to the claims listed herein and is not a statement as to the Trustee's position on the validity, allowance, or disallowance of any claim not listed below.** The Trustee moves the Court for approval of proposed treatment of employee wage claims as outlined in this Objection, and in support, respectfully represents as follows:

1. The Trustee objects to the following claims:

Claim No. 49	Jason Burgess	Claim No. 54	Jeffrey Lemons
Claim No. 17	Patrick Cole	Claim No. 14	Joshua Martin
Claim No. 75	patrick Donahue	Claim No. 13	121 Shadow Woods Road
Claim No. 25	LeeAnnDetrick Egolf	Claim No. 55	Bernis Paul Rice
Claim No. 5	Douglas S. Fritz	Claim No. 62	CoreyAlan Rosinsky
Claim No. 36	Patrick Gaddy	Claim No. 56	Justin William Roth
Claim No. 70	Stephen Gleason	Claim No. 63	Thomas J Tucker
Claim No. 11	Robert Jeffrey	Claim No. 72	Preston Wilson
Claim No. 77	Mark Keeteman	Claim No. 73	PrestonWilson

2. The Trustee's Objection addresses employee wage claims either scheduled or filed in the Debtor's bankruptcy papers filed with the Bankruptcy Court, including any such claims that have been tendered since the deadline for claims in this case, April 26, 2018, but before the date of this Objection.

3. Pursuant to 11 U.S.C. § 507(a)(4), to the extent otherwise allowable, employee wage claims are entitled to treatment as priority unsecured claims for up to a maximum amount of \$12,850.00 if such claims relate to wages or commissions earned within 180 days before the debtor's bankruptcy petition date. In this case, the Debtor's petition date was February 15, 2018 (the "Petition Date"). Accordingly, only wages and commissions earned between August 19, 2017 and the Petition Date would fall within the 180-day period applicable to priority wage

claims. Claims for wages and commissions earned before August 19, 2017 constitute general unsecured claims to the extent that those claims are otherwise allowable.

4. The following are types of claims that are objectionable under the Bankruptcy Code and Rules, and the Trustee's objections to certain claims listed in this Objection may be based on any of the grounds listed below as well on any other basis specified herein.

- (a) Claims that duplicate other claims;
- (b) Claims that were filed in the wrong case;
- (c) Claims that were not timely filed;
- (d) Claims that have been satisfied or released;
- (e) Claims that are in such form as to make it impossible to determine the validity of the claim or claims that do not comply with the applicable rules relative to proofs of claim;
- (f) Claims that assert equity interests and are not properly asserted as claims;
- (g) Claims that assert priority in amounts that exceed the maximum allowable pursuant to 11 U.S.C. § 507.

5. The Trustee recommends the following treatment of claims in this case:

Claim No.	Claimant	Amount and Classification	Reason for Objection	Proposed Treatment
65	Timmy Baker 746 Patterson Farm Road Mooresville, NC 28115	\$4,290.00 Priority Unsecured	N/A	Allow in full as a priority unsecured claim.
30	Matthew T. Blankenship 2026 Perth Road Mooresville, NC 28117-8447	\$12,000.00 Priority Unsecured \$36.00 General Unsecured	N/A	Allow as a priority unsecured claim in the amount of \$12,000.00; allow as a general unsecured claim in the amount of \$36.00.
59	Richard Bourgeois 15128 Alexander Place Dr. Huntersville, NC 28078 Richard Bourgeois PO Box 758 Huntersville, NC 28070	\$12,400.00 Priority Unsecured	N/A	Allow in full as a priority unsecured claim.

64	Kathy L. Burch 20100 Washam St. Cornelius, NC 28031	\$4,920.00 Priority Unsecured	N/A	Allow in full as a priority unsecured claim.
49	Jason Burgess 9609 Waltham Court Charlotte, NC 28269	\$9,091.00 Priority Unsecured	Objection based on 4(g). A portion of this claim is not entitled to priority treatment. Trustee proposes to allow claim as a priority unsecured claim in the amount of \$8,972.00 and to reclassify remaining \$119.00 as a general unsecured claim.	Allow as a priority unsecured claim in the amount of \$8,972. Allow as a general unsecured claim in the amount of \$119.00.
75	Richard Claveloux 184 Water Ski Drive Statesville, NC 28677	\$12,798.00 Priority Unsecured	N/A	Allow in full as a priority unsecured claim.
17	Patrick Cole 149 single Oak dr Troutman, NC 28166	\$24,084.00 Priority Unsecured	Objection based on 4(e). Proof of claim filed without documentation of claim amount and exceeds allowable priority amount. The Trustee proposes that the claim be allowed as an unsecured priority claim for \$12,850.00 and that the remainder of the claim be reclassified and allowed as a general unsecured claim.	Allow as a priority unsecured claim in the amount of \$12,850.00; allow as a general unsecured claim in the amount of \$11,234.00;
50	Andrew Combs 133 Eagle Court Mooresville, NC 28117	\$6,327.80 Priority Unsecured	N/A	Allow in full as a priority unsecured claim.

74	patrick donahue 16204 Winnow Crt cornelius, NC 28031	\$12,850.00 Priority Unsecured \$7,688.00 General Unsecured	Objection based on 4(e). Proof of claim filed without documentation of claim amount. Debtor's records support a priority claim for \$9,000.00. Trustee proposes that remainder of claim be reclassified and allowed as a general unsecured claim.	Allow as an unsecured priority claim in the reduced amount of \$9,000.00; allow as a general unsecured claim in the amount of \$11,538.00.
51	Ryan K. DuBois 14737 Old Vermillion Dr. Huntersville, NC 28078	\$12,850.00 Priority Unsecured \$44,111.28 General Unsecured	Objection based on 11 U.S.C. § 502(d). This claim will be addressed in a separate Order.	To be addressed in a separate Order.
25	LeeAnn Detrick Egolf 4830 Westgate Drive Cumming, GA 30040	\$12,850.00 Priority Unsecured \$44,050.00 General Unsecured	Objection based on 4(e) and 4(g). Documents attached to proof of claim indicates that claim dates to 10/27/2016. Debtor's records indicate that commissions earned within 180 days of the Petition Date totaled \$7,500.00, and that amount qualifies for priority treatment. The Trustee proposes that remainder of claim be reclassified and allowed as a general unsecured claim.	Allow as an unsecured priority claim in the reduced amount of \$7,500; reclassify and allow claim as a general unsecured claim in the amount of \$49,400.00.

68	Eric Fear 153 Fairview Rd. #201 Mooresville, NC 28117	\$6,675.00 Priority Unsecured	N/A	Allow in full as priority unsecured claim.
5	Douglas S. Fritz 9610 Rayneridge Drive Huntersville, NC 28078-7668	\$34,419.81 Priority Unsecured	Objection based on 4(g). Claim documents indicate that total claim amount is overstated and should be \$31,099.51. Of that amount, \$12,850.00 is allowable as a priority unsecured claim, and \$18,249.51 is allowable as a general unsecured claim. Trustee proposes to reclassify claim and allow in those amounts.	Allow as a priority unsecured claim in the amount of \$12,850.00. Reclassify remaining claim as a general unsecured claim and allow in the amount of \$18,249.51.
36	Patrick Gaddy 2240 saw road china grove nc 28023 2240 saw road china grove, NC 28023	\$5,250.00 General Unsecured	Objection based on 4(e). Documents attached to proof of claim indicates that claim is entitled to priority unsecured treatment. Trustee proposes to reclassify claim.	Allow in full as a priority unsecured claim.
70	Stephen Gleason 1331 Riverwood Drive Lexington, NC 27292	\$12,850.00 Priority Unsecured \$14,796.62 General Unsecured	Objection based on 4(e). Documents attached to proof of claim indicates that claim is overstated. Trustee proposes that claim be allowed as a priority unsecured claim in the amount of \$12,850.00 and as a general unsecured claim in the amount of \$13,150.00.	Allow as a priority unsecured claim in the amount of \$12,850.00; allow as a general unsecured claim in the amount of \$13,150.00.

60	Klint Green 150 Lancelot Circle Salisbury, NC 28147	\$12,850.00 Priority Unsecured \$3,250.00 General Unsecured	N/A	Allow as a priority unsecured claim in the amount of \$12,850.00; allow as a general unsecured claim in the amount of \$3,250.00.
	Omar Grimaldo 212 Day Dock Loop Mooresville, NC 28117	\$2,734.51 Priority Unsecured	N/A Claim based on schedules.	Allow in full as a priority unsecured claim.
66	Raymond Phillip Hanna 403 North Buck Oak Street Stanley, NC 28164	\$3,600.00 Priority Unsecured	N/A	Allow in full as a priority unsecured claim.
52	Michael Harrold 1021 Oak Ridge Farm Highway Mooresville, NC 28115	\$11,400.00 Priority Unsecured	N/A	Allow in full as a priority unsecured claim.
53	Joshua Horton 9724 Cadman Ct Cornelius NC 28031	\$1,206.08 Priority Unsecured	N/A	Allow in full as a priority unsecured claim.
67	Kenneth Humel 200 Shady Cove Road Troutman, NC 28166	\$400.00 Priority Unsecured	N/A	Allow in full as a priority unsecured claim.
76	Earl Thomas Jadro 4534 Pebblebrook Circle Concord, NC 28027	\$400.00 Priority Unsecured	N/A	Allow in full as a priority unsecured claim.

11	Robert Jeffrey 334 E Kearney PMB 292 Springfield MO 65803	\$16,131.95 Priority Unsecured	Objection based on 4(e). Documents attached to proof of claim indicates that claim is inflated by pre- and post-petition interest charges that are not allowable. Claim includes bank fees totaling \$385.00. Trustee proposes that claim be allowed as a priority unsecured claim for \$12,400.00 and as a general unsecured claim for \$385.00.	Allow as a priority unsecured claim in the amount of \$12,400.00; allow as a general unsecured claim in the amount of \$385.00.
	Joseph D. Jones 115 Turtle Dove Lane Statesville, NC 28677	\$6,160.92 Priority Unsecured	N/A Claim based on schedules.	Allow in full as a priority unsecured claim.
4	Timothy Kean 131 Forest Ridge Rd Mooresville, NC 28117	\$5,112.66 Priority Unsecured	N/A	Allow in full as priority unsecured claim.
77	Mark Keeteman 260 Knoll View Dr. Salisbury NC 28147	\$7,637.00 Priority Unsecured	Objection based on 4(e). Documents attached to proof of claim indicates that priority claim amount is \$7,500.00. Remainder of claim reflects a general unsecured claim.	Allow as a priority claim in the amount of \$7,500.00; allow as a general unsecured claim for \$137.00.
57	Scott King 121 Wildeman Trail Statesville, NC 28625	\$5,000.00 Priority Unsecured	N/A	Allow in full as a priority unsecured claim.

54	Jeffrey Lemons 2619 Hopewell Church Road Sherrills Ford, NC 28673	\$12,850.00 Priority Unsecured \$10,890.94 General Unsecured	Objection based on 4(e). Documents attached to proof of claim indicate that priority unsecured wage claim totals \$9,600.00. Trustee proposes that claim be allowed as a priority wage claim in that amount. Claim documents include \$890.83 for bank fees related to payroll checks; the Trustee proposes that this amount be allowed as a general unsecured claim. Remainder of claim is not allowable.	Allow as a priority unsecured claim in the reduced amount of \$9,600.00; allow as a general unsecured claim in the reduced amount of \$890.83.
	Adam Long 366 Longs Road Tar Heel, NC 28392	\$3,786.16 Priority Unsecured	N/A Claim based on schedules.	Allow in full as a priority unsecured claim.
14	Joshua Martin 13023 Atkins Circle Drive Suite 203 Charlotte, NC 28277	\$6,000.00 Priority Unsecured	Objection based on 4(e). Documents attached to proof of claim indicate that claim is overstated by \$1,000. Trustee proposes that claim be allowed as priority unsecured claim in the amount of \$5,000.00.	Allow as priority unsecured claim in the amount of \$5,000.00
34	Pedro Martinez Jr. 2120 Bradshaw Rd Mooresville, NC 28115	\$14,438.48 General Unsecured	N/A	Allow in full as a general unsecured claim.
16	Cody McCray 3951 Picasso Ct Charlotte, NC 28205	\$6,000.00 Priority Unsecured	N/A	Allow in full as an unsecured priority claim.
47	Joel Platts 8358 Cottbrook Drive Huntersville, NC 28078	\$7,200.00 Priority Unsecured	N/A	Allow as a priority unsecured claim in the amount of \$7,200.00.

13	121 Shadow Woods Road Statesville, NC 28677 Jason Postma 121 Shadow Woods Road Statesville, NC 28677	\$10,286.37 Priority Unsecured	Objection based on 4(e). Claim form indicates address only; documents show name of claimant. Review of claim documents shows claim amount is overstated by \$926.07. Trustee proposes to allow claim in the reduced amount of \$9,360.30.	Allow as a priority unsecured wage claim in the amount of \$9,360.30.
55	Bernis Paul Rice 5745 Spring Gate Ct. Concord, NC 28027	\$12,850.00 Priority Unsecured \$6,350.00 General Unsecured	Objection based on 4(e). No documents supporting amount of unsecured claim was provided. Trustee proposes to allow general unsecured claim in the amount supported by Debtor's records.	Allow as a priority unsecured claim in the amount of \$12,850.00; allow as a general unsecured claim in the amount of \$1,849.77.
69	Douglas Thomas Richert 126 Harwell Rd. Mooresville, NC 28117	\$12,850.00 Priority Unsecured \$9,265.40 General Unsecured	N/A	Allow as a priority unsecured claim in the amount of \$12,850.00. Allow as a general unsecured claim in the amount of \$9,265.40.
35-2	Ryan Richmond 404 S East Ave. Kannapolis, NC 28083	\$6,000.00 Priority Unsecured	N/A	Allow in full as a priority unsecured claim.
78	Troy Roselles 7506 Claymont Drive Charlotte NC 28227	\$6,596.15 Unsecured Priority	N/A	Allow in full as a priority unsecured claim.

62	Corey Alan Rosinsky Corey Rosinsky 134 LynnBrook St. Mooresville, NC 28117	\$5,714.34 Priority Unsecured	Objection based on 4(e). Documents attached to proof of claim indicate that claim amount includes overdraft fees that are overstated by \$12.00. Trustee proposes to allow claim as priority unsecured claim in the amount of \$5,678.34 and allow claim as a general unsecured claim in the amount of \$24.00.	Allow as a priority unsecured claim in the amount of \$5,678.34. Allow as a general unsecured claim in the amount of \$24.00.
56	Justin William Roth 10319 Johns Towne Dr Charlotte NC 28210	\$3,800.00 Priority Unsecured	Objection based on 4(e). Documents attached to proof of claim supports a priority unsecured claim for \$3,361.08.	Allow as a priority unsecured claim in the amount of \$3,361.08.
48	Rebecca Santosuosso 14737 Old Vermillion Road Huntersville, NC 28078	\$10,000.00 Priority Unsecured	N/A	Allow in full as priority unsecured claim.
19	Douglas B Spees c/o Law Offices of Beth B. Carter P.O. Box 1553 Denver, NC 28037 Douglas B. Spees 3195 Lakeshore Road South Denver, NC 28037	\$6,755.10 Priority Unsecured \$3,295.86 General Unsecured	N/A	Allow as a priority unsecured claim in the amount of \$6,755.10. Allow as a general unsecured claim in the amount of \$3,295.86.
21	Nathaniel David Tallman 1554 Broderick St. NW Concord, NC 28027	\$12,450.00 Priority Unsecured	N/A	Allow in full as a priority unsecured claim.

63	Thomas J Tucker Thomas Tucker 1584 Mayfair Dr. Conover, NC 28613	\$4,850.00 Priority Unsecured	Objection based on 4(e). Documents attached to proof of claim indicates that claim is overstated by \$50.00. Trustee proposes that claim be allowed as a priority unsecured claim in the amount of \$4,800.00.	Allow as a priority unsecured claim in the amount of \$4,800.00.
71	Jacob Richard Warlick PO Box 27 Catawba, NC 28609	\$10,100.00 Priority Unsecured	N/A	Allow in full as priority unsecured claim.
58	Toby Whealdon 8602 Forest Shawdow Circle Cornelius, NC 28031	\$12,850.00 Priority Unsecured \$50.00 General Unsecured	N/A	Allow as a priority unsecured claim in the amount of \$12,850.00; allow as a general unsecured claim in the amount of \$50.00.
72	Preston Wilson 137 Jacobs Wood Circle Troutman, NC 28166 Preston Wilson 129 Aberdeen dr Troutman, NC 28166	\$636.71 General Unsecured	Objection based on 4(a). Claim is duplicated by Claim 73.	Disallow claim.
73	Preston Wilson 137 Jacobs Wood Circle Troutman, NC 28166	\$636.71 General Unsecured	Objection based on 4(e). Documents attached to proof of claim indicates that claim is entitled to priority treatment. Trustee proposes to reclassify claim and allow in full.	Reclassify claim as a priority unsecured claim and allow in full.

24	Michael Wright c/o Law Offices of Beth B. Carter, PLLC PO Box 1553 Denver, NC 28037	\$9,600.00 Priority Unsecured \$533.00 General Unsecured	N/A	Allow as apriority unsecured claim in the amount of \$9,600.00; allow as a general unsecured claim in the amount of \$533.00.
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6. The Trustee's proposed treatment of employee wage claims is not an indication or statement regarding the validity of any claim not listed herein. The Trustee reserves the right to object to any such claims on any ground permitted by law or equity.

WHEREFORE, the Trustee prays that the Court will enter an Order approving the Trustee's proposed treatment of employee wage claims as set forth in this Objection and granting such other relief as is just and proper.

This is the 2d day of April, 2019.

/s/ A. Cotten Wright

A. Cotten Wright (State Bar No. 28162)

Grier & Crisp, PA

Attorneys for the Trustee

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Charlotte, North Carolina 28246

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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
Charlotte Division**

In re:

BK Racing, LLC,

Debtor.

Case Number: 18-30241

Chapter 11

NOTICE OF OPPORTUNITY FOR HEARING

TAKE NOTICE that the Trustee, through counsel, has filed his *Trustee's First Omnibus Report of Claims, Objection to Claims and Recommendations Regarding Claims Filed or Scheduled as Employee Wage Claims* (the "Objection") in the above-referenced bankruptcy case. A copy of the Objection is available from the undersigned or from the Bankruptcy Court's web site at <http://www.ncwb.uscourts.gov/>.

In the Objection, the Trustee objects to the following claim(s):

Claim No. 49 Jason Burgess

Claim No. 17 Patrick Cole

Claim No. 75 patrick Donahue

Claim No. 25 LeeAnnDetrick Egolf

Claim No. 5 Douglas S. Fritz

Claim No. 36 Patrick Gaddy

Claim No. 70 Stephen Gleason

Claim No. 11 Robert Jeffrey

Claim No. 77 Mark Keeteman

Claim No. 54 Jeffrey Lemons

Claim No. 14 Joshua Martin

Claim No. 13 121 Shadow Woods Road

Claim No. 55 Bernis Paul Rice

Claim No. 62 CoreyAlan Rosinsky

Claim No. 56 Justin William Roth

Claim No. 63 Thomas J Tucker

Claim No. 72 Preston Wilson

Claim No. 73 PrestonWilson

Your rights may be affected. You should read this Notice carefully and discuss it with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to enter an Order approving the Motion, or if you want the Court to consider your views on the Motion, then **within 30 days** of the date of this notice, you or your attorney must do three (3) things:

1. **File with the Court a written request for a hearing at:**
U.S. Bankruptcy Court
401 W. Trade St.
Charlotte, NC 28202

If you mail your request to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above.

2. **On or before the date stated above for filing your written request for hearing, you must also mail or email a copy of your written request for hearing to:**

A. Cotten Wright
Grier & Crisp, PA
101 North Tryon Street, Suite 1240
Charlotte, NC 28246
cwright@grierlaw.com

3. **If you request a hearing, you or your attorney must attend the hearing** which would be held at **9:30 a.m. on May 14, 2019**, in the Courtroom 1-4 of the United States Courthouse, 401 W Trade Street, Charlotte, NC.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief requested and may enter an order granting the relief.

DATED this the 2d day of April, 2019.

/s/ A. Cotten Wright
A. Cotten Wright (State Bar No. 28162)
Grier & Crisp, PA
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Attorneys for the Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
Charlotte Division**

In re:

BK Racing, LLC,

Debtor.

Case Number: 18-30241

Chapter 11

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the *Trustee's First Omnibus Report of Claims, Objection to Claims and Recommendations Regarding Claims Filed or Scheduled as Wage Claims* and *Notice of Opportunity for Hearing* were served via U.S. Mail, postage prepaid, on those parties whose names and addresses appear above, as well as those parties who have requested electronic service in this case via electronic service.

This is the 2d day of April, 2019.

/s/ A. Cotten Wright

A. Cotten Wright

Grier & Crisp, PA

101 North Tryon Street, Suite 1240

Charlotte, NC 28246